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DEPT FOR EUR/AGS (SAINT ANDRE) AND ISN/CATR (KESSLER)

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SUBJECT: UNSCR 1747: AUSTRIA USES BROAD DEFINITION FOR
"ARMS AND RELATED MATERIAL"

REF: STATE 67462

Austria Favors Broad Definition of UNSCR 1747

¶1. (SBU) On May 22, EconPolOff discussed reftel demarche with Margit Bruck-Friedrich, Director of the Austrian Foreign Ministry's Office of Conventional Arms Export Control, Military Transit, and Overflight Control. Bruck-Friedrich confirmed with the MFA's Legal Department that the GoA had already submitted its report to the UN on implementation of UNSCR 1747. Regarding UNSCR 1747's operative paragraphs 5 and 6, Bruck-Friedrich opined that the GoA would use a broad definition of "any arms or related material." The EU's Code of Conduct for Arms, she explained, includes the list of Wassenaar controlled items, and was incorporated into Austria's 2005 Foreign Trade Act. The Austrian export control law, she emphasized, includes technology and other defense-related items, such as maintenance. Bruck-Friedrich added that the GoA, following a previous U.S. demarche, had "singled out" companies in Austria that were interested in doing business with Iran to warn them to refrain from exporting defense or dual-use items to Iran.

¶2. (SBU) On May 25, EconUnit Chief followed up with Helmut Krehlik, Head of the Ministry of Economy's Export and Import Control Division. Krehlik stated that Austrian and EU laws clearly allow for a broad definition of paragraphs 5 and 6 of UNSCR 1747. The "catch-all provision" contained in paragraph 4.2 of EU Regulation 1330 (2000) requires licensing approval for all military items (listed and non-listed) destined for a state under an EU, OSCE, or UN embargo. Furthermore, Austria's Foreign Trade Act covers technical assistance (training, servicing, provision of spare parts).

Austria Processing Large Number of Export Licenses

¶3. (SBU) Bruck-Friedrich also pointed out that Austria processes the fourth largest number of licenses for military and dual-use goods within the EU. During a separate meeting on May 23 with EconPolOff, Alexander Marschik, the Acting Director of the MFA's Department of Arms Control, Disarmament, and Non-Proliferation, added that the GoA has instituted a more stringent process for vetting licenses for sales of defense and dual-use goods and services.

McCaw